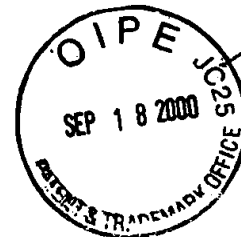


I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231, ON THE DATE
INDICATED BELOW.

Roger Phillips
ATTORNEY FOR APPLICANT

September 13, 2000

DATE OF SIGNATURE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:	Edward L. Carver)	
)	Group Art Unit: 1743
on:	Apparatus for Making a)	
	Plurality of Reagent Mixtures)	
	and Analyzing Particle)	
	Distributions of the Reagent)	
	Mixtures)	
)	Examiner: A. Soderquist
Serial No.:	09/039,789)	
)	
Filed On:	March 16, 1998)	(Docket No. 116310.0030)

Box AF
Commissioner for Patents
Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner,
mailed April 13, 2000 finally rejecting claims 27-35 and 38.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

RECEIVED
SEP 20 2000
JC 1700 MAIL ROOM

09/20/2000 ABOITOM 00000096 09039789

01 FC:219
02 FC:215

150.00 OP
55.00 OP

Applicant is a small entity under 37 CFR 1.9 and 1.27.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$150.00
<input type="checkbox"/>	other than a small entity	\$300.00

Notice of Appeal Fee Due: \$150.00

3. EXTENSION OF TERM

NOTE: *The time periods set forth in 37 CFR 1.191 are subject to the provision of §1.136 for patent applications. 37 CFR 1.191(d). (But see 37 CFR 1.645 for extension of time in reference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).*

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 390.00	\$ 195.00
<input type="checkbox"/>	three months	\$ 930.00	\$ 465.00
<input type="checkbox"/>	four months	\$1,470.00	\$ 735.00

Fee \$ 55.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ month has already been secured. The fee paid thereon of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$ <u>150.00</u>
Extension fee (if any)	\$ <u>55.00</u>

TOTAL FEE DUE \$ 205.00

5. FEE PAYMENT

- ☒ Attached are two checks totaling \$ 205.00
the sum of
- ☐ Charge Account No. 11-0231 the \$ _____
sum of

A DUPLICATE OF THIS TRANSMITTAL IS ATTACHED.

6. FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

☒ If any additional extension and/or fee is required, charge to Account No. 11-0231.

AND/OR

☐ If any additional fee for claims is required, charge to Account No. 11-0231.

Respectfully submitted,

Date: September 13, 2000



Mark D. Giarratana, Reg. No. 32,615

Roger C. Phillips, Reg. No. 37,418

Attorneys for Applicant

PTO Correspondence Address

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